IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 8008 of 2000

Between:

Rajam Extractions Limited, Rep. by its authorised representative,
Sri. K. Nageswara Rao, Penubaka,
Rajam-532 127, Srikakulam District, A.P.,

..... PETITIONER

AND

1 The Superintendent Engineer, Operation Circle,
A.P.TRANSCO LTD., Srikakulam.
2 Addl. Divisional Engineer, Operation Circle,
A.P.TRANSCO LTD., Rajam,
Srikakulam District, Anhdra Pradesh.
3 The Senior Accounts Officer, Operation Circle,
A.P.TRANSCO LTD., Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, order or direction preferably a writ one in the nature of Writ of Mandamus declaring the action of the respondents in determining the amount payable by the petitioner for its service Connection No. SKL 086 for the period March, 2000 when the meter was defective as arbitrary, illegal, ultra vires of the India Electricity Act and violative of the principles of natural justice.

Counsel for the Petitioner: M/SC.KODANDA RAM

Counsel for the Respondents : SMT.M.VINOBHA DEVI

The Court made the following :

ORDER:

The petitioner herein, who is the Factory, files this Writ Petition, *inter alia*, seeking to assail the action of the respondents in determining amount payable by the petitioner for service connection no. SKL 086 for the period March,2000 when the meter was defective as illegal arbitrary and also ultra vires ofof the Indian Electricity Act, 1910.

Though several contentions sought to be urged by both sides, however, having regard to the principles laid down by the Full Bench of this Court reported in KLAYMAN PRUCELAINS LTD. VS. SUPERINTENDING ENGINEER, wherein interpreting the very same provision viz. Section 26(6) of the Indian Electricity Act, it was held that any remedy for the allegations of the defects in the meter, lies with the Chief Electrical Inspector. Subsequently, considering the said decision and also the amended provisions by way of A.P. Amendment Act, wherein Section 49-I was introduced to the main Act, it was held that in respect of such meter defects, the remedy of the party aggrieved as against the assessment and the amount of energy consumption, lies with the Special Court constituted under the said amendment.

Having regard to the same, it is not open for this court to go into any other questions. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the Special Court by way of appeal within a period of four weeks from today. On such filing of appeal, the Special Court shall dispose of the appeal on merits in accordance with law after giving an opportunity and notice to both sides. No costs.

20.01.2005 (B.Prakash Rao, J.)

DRK

1 The Superintendent Engineer, Operation Circle,
A.P.TRANSCO LTD., Srikakulam.

2 Addl. Divisional Engineer, Operation Circle,
A.P.TRANSCO LTD., Rajam,
Srikakulam District, Anhdra Pradesh.

3 The Senior Accounts Officer, Operation Circle,
A.P.TRANSCO LTD., Srikakulam.

4 Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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